

Remarks

Reconsideration of this Application is respectfully requested.

Claims 1-28 are pending in the application, with 1, 8, 15, and 22 being the independent claims. Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 101

Claims 15-28 stand rejected under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter. Applicants respectfully traverse.

The Examiner alleges that "claims 15-28 do not affect, effect, or are effected by technology." *See*, Office Action, page 3. As stated in the specification, the relevant technology is renovation and management of bodies of water, e.g., man-made reservoirs. It is important to predict future water levels in a reservoir so that problems, such as fill-in due to runoff, may be recognized and avoided many years before the problems become unmanageable. The recited process affects this technology by improving the accuracy of these water level predictions. The recited process is valuable to the technology, because previous processes did not take weather or terrestrial vegetation data into account when predicting water level. For at least these reasons, Applicants respectfully submit that claims 15-28 do affect the technology of management of a body of water, and are thus statutory subject matter under 35 U.S.C. 101. Reconsideration and withdrawal of the rejection of claims 15-28 are respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over U.S. Pat. No. 6,453,216 issued to McCabe et al. ("McCabe") in view of U.S. Pat. No. 6,397,162 issued to Ton ("Ton"). Applicants respectfully traverse.

With respect to claim 1, the Examiner alleges that "McCabe teaches a weather and water level based system for forecasting renovation and management of a body of water." *See*, Office Action, page 3. However, this is not what is recited in claim 1. The Examiner also states that McCabe discusses "using weather data and vegetation soil moisture data to manage the volume of water used or available in storage for use in the irrigation of agricultural products or vegetation." *Id.* This also is not what is recited in the claim 1, the relevant portion of which recites, "A weather and terrestrial vegetation-based system for forecasting renovation and management for a body of water."

The Examiner alleges that McCabe anticipates a database of weather history. *See*, Office Action, page 4. The Examiner also alleges that Ton teaches a database including "terrestrial vegetation history data and terrestrial vegetation forecast data." *See*, Office Action, page 5. However, even if McCabe and Ton do teach these features, which Applicants do not concede, the combination still does not teach each feature of claim 1, the relevant portion of which recites, "means for accessing a database having stored therein data for analyzing the body of water, wherein said database includes weather history data, weather forecast data, terrestrial vegetation history data, terrestrial vegetation forecast data, and body of water history data."

The Examiner also claims that McCabe anticipates "using weather history data and rainfall measurements to determine how much water to use in the irrigation of a field." *See*, Office Action, page 4. The Examiner further claims that Ton teaches using terrestrial vegetation history data and terrestrial vegetation forecast data "as a standard to predict and compare future vegetation measurements against." *See*, Office Action, page 5. Applicants respectfully disagree. However, even if McCabe and Ton do teach such features, which Applicants do not concede, these features are not what is recited in claim 1. The relevant portion of claim 1 recites, "a renovation system to execute a request from a user to analyze the body of water for renovation and management by using said weather history data, said weather forecast data, said terrestrial vegetation history data, said terrestrial vegetation forecast data, and said body of water history data to determine potential problems for the body of water and potential solutions for said potential problems."

Finally, the Examiner alleges that it would have been obvious to develop "an irrigation management system that used a wide variety of measures to determine when and how much to water a field of crops." *See*, Office Action, page 5. Even if this is true, which Applicants do not concede, the instant claims do not recite an irrigation management system, or determining when and how much to water a field of crops. Instead, the instant claims are directed to a weather and terrestrial vegetation-based system for forecasting renovation and management for a body of water, as recited in claim 1.

The combination of McCabe and Ton do not teach all the features recited in claim 1. For at least this reason, Applicants respectfully submit that claim 1 is patentable over

the combination of McCabe and Ton. Reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

Although they are not identical to claim 1, independent claims 8, 15, and 22 recite similar features. Therefore, Applicants respectfully submit that claims 8, 15, and 22 are patentable over the combination of McCabe and Ton for at least the reasons discussed above with respect to claim 1. Reconsideration and withdrawal of the rejections of claims 8, 15, and 22 are respectfully requested.

Each of claims 2-7, 9-14, 16-21, and 22-28 are dependent on one of claims 1, 8, 15, and 22. Therefore, Applicants respectfully submit that claims 2-7, 9-14, 16-21, and 22-28 are patentable for at least the same reasons as discussed above with respect to claims 1, 8, 15, and 22. Reconsideration and withdrawal of the rejections of these claims are respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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